

REMARKS

The requirement for restriction is respectfully traversed. This application is a national stage entry of PCT/EP02/00410, which was filed on January, 17 2002. Thus, the appropriate legal standard regarding restriction is whether “[t]he international application ... relate[s] to one invention only or to a group of inventions so linked as to form a single general inventive concept.”¹ Furthermore, “[w]here a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.”²

It is respectfully submitted that the present invention properly relates to a single general inventive concept. The claims of the present application require that cosmetic or pharmaceutical compositions are thickened by an amount of a copolymer which is the polymerization product of A) unsaturated carboxylic acids or their anhydrides, B) long-chain monomers, C) optionally other monomers, D) cross linkers. The utilization of such polymers as thickeners in pharmaceutical or cosmetic compositions “define[s] a contribution which each of the claimed inventions, considered as a whole, makes over the prior art,”³ and therefore constitutes the “one or more of the same or corresponding special technical features,” which are involved in the technical relationship between the embodiments of applicants’ invention(s). Each embodiment of the claimed invention requires this combination, thus the requirement of unity of invention referred to in Rule 13.1 is fulfilled. In other words, the present requirement for restriction is inappropriate under the proper “Unity of Invention” standard. The restriction requirement should be withdrawn. Favorable action is solicited.

¹ PCT RULE 13.1.

² PCT RULE 13.2.

³ PCT RULE 13.2.

PROVISIONAL ELECTION

In compliance with the requirements of 37 C.F.R. §1.143, applicants provisionally elect species 2 with traverse. Species 2, as indicated in the restriction requirement of March 21, 2007 includes as component B) mono- or polyunsaturated C₈-C₃₀-monocarboxylic acids which may have additional hydroxyl groups, as well as their alkali metal and alkaline earth metal salts, alkyl esters, amides, sorbitan esters, glycerol esters or polyglycerol esters.